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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR               | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|------------------------------------|---------------------|------------------|
| 10/621,003  | 07/16/2003  | Wilhelmus Hendrikus Alfonsus Bruls | NL030905            | 9123             |
| 24737 7590 04/29/2008<br>PHILIPS INTELLECTUAL PROPERTY & STANDARDS<br>P.O. BOX 3001<br>BRIARCLIFF MANOR, NY 10510 |             |                                    |                     |                  |
| EXAMINER<br>ANYIKIRE, CHIKAO DILIE  |             |                                    |                     |                  |
| ART UNIT<br>2621  |             | PAPER NUMBER                       |                     |                  |
| MAIL DATE<br>04/29/2008   |             | DELIVERY MODE<br>PAPER             |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/621,003

## Applicant(s)

BRULS ET AL.

## Examiner

CHIKAODILI E. ANYIKIRE

## Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO-893)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office Action is responsive to application number (10/621003) filed on July 16, 2003. Claims 1-21 are pending and have been examined.

#### ***Information Disclosure Statement***

2. Acknowledgement is made of applicant's information disclosure statement

#### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.<sup>6</sup>

Claims 17 - 19 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 17-19 define a control software and electronic video content information embodying functional descriptive material. However, the claims do not define a computer-readable medium or memory and is thus non-statutory for that reason (i.e., "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized" – Guidelines Annex IV.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Hosono (US 5,796,438).

As per **claims 1, 5, and 18**, Hosono discloses a method and electronic device of encoding a video picture, the method comprising:

for a segment of the video picture determining if the segment can be reconstructed from at least another video picture based on motion-compensated interpolation applied to the other video picture (Fig 9, Col 8 Ln 30-40; the figure shows predictive images that would be used as a reference frame to serve as the other video picture such as I or P3);

if the segment cannot be reconstructed, encoding the segment (Col 8 Ln 30-40; since the segment can not be reconstructed a prediction difference was created and encoded to be transmitted to the decoder) and

otherwise skipping the segment (Col 5 Ln 54-59; the disclosure explains a process of detecting a motion vector equal to zero and therefore skipping the macroblock).

As per **claims 2, 6, 10, and 14**, Hosono discloses the method of claim 1, 5, 9, and 13 wherein the segment comprises a macroblock (Col 5 Ln 54-59; the skip-

macroblock is a process that is focused on manipulating the macroblocks during an encoding and decoding process).

As per **claim 3, 7, 11, and 15**, Hosono discloses the method of claim 1, 5, 9, and 13 wherein the encoding comprises using a coding scheme compliant with one of ISO and ITU video compression standards (Col 2 Ln 30-39).

As per **claim 4, 8, 20, and 21**, Hosono discloses the method of claim 3 and 7 wherein the coding scheme complies with MPEG-2 and wherein the determining comprises:

decoding an encoded B-picture (Fig 9, B; Col 4 Ln 32-39 and Col 5 Ln 54-56; the prior art discloses the decoding macroblocks especially B-picture);

generating a further picture using motion-compensated interpolation applied to the other video picture (Col 8 Ln 30-40; the prior art discloses motion-compensated interpolation);

determining a difference per macroblock between the decoded B-picture and the further picture (Col 8 Ln 30-40; the prior art discloses calculating a difference of the macroblocks especially B-picture); and

evaluating the difference under control of a consistency measure of motion vectors associated with the further picture (Col 5 Ln 54-59 and Col 8 Ln 30-40; the prior art discloses calculating motion vectors).

As per **claims 9, 13, and 17, and 19** Hosono discloses a method of decoding an encoded video picture (Fig 9, 49 and 50), the method comprising:

determining if a segment of the picture is missing (Col 4 Ln 32-39 and Col 5 Ln 54-59; the prior art clearly discloses the skipping macroblock condition and teaching the condition where decoding is used and would detect a skipping macroblock by examining the macroblocks); and

if the segment is missing, reconstructing the segment from motion-compensated interpolation applied to at least another video picture (Col 8 Ln 30-40; the prior art disclose using motion compensation on B-pictures).

As per **claims 12 and 16**, Hosono discloses the method of claim 10 and 14, wherein:

decoding the picture comprises using an MPEG-2 skipped-macroblock condition (Col 4 Ln 32-39 and Col 5 Ln 54-62); and

writing data, generated by the motion-compensated interpolation to reconstruct the macroblock, over further data generated under the skipped-macroblock condition (Col 8 Ln 30-40).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHIKAODILI E. ANYIKIRE whose telephone number is

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(571)270-1445. The examiner can normally be reached on Monday to Friday, 7:30 am to 5 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272 - 7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CEA/

/Marsha D. Banks-Harold/

Supervisory Patent Examiner, Art Unit 2621